Request for Extension of Clearance Order

Virginia Employment Commission

1. To: Puerto Rico North Carolina South Carolina Georgia Florida 5. From: Comments: 8. By: (ES Agency Representative) Jason Padgett Jason Padgett 9. Receiving State Office: ("X" one) Accepted (If accepted, list local offices extended to) Comments: 2. Job Order Number: 2. Job Order Number: 3. Date of acceptance by CNPC: 7-13-12 4. Employer Name: Westwood Faller, The. 6. OES Job Code, Title and Number of Positions Available (D pistors) 45-20-92.02 Frankov RUTE, Fluid Telephone Number: 8. By: (ES Agency Representative) Jason Padgett Rural Services Manager Rural Services Manager Title: Rural Services Manager Rural Services Manager Rural Services Manager Telephone Number: 804-786-8714 Prejected (If rejected, provide reasons) Comments:			
North Carolina South Carolina Georgia Florida 5. From: 6. OES Job Code, Title and Number of Positions Available Opistors 45-2092.02 Rural Services Manager Virginia Employment Commission P O Box 1358 Richmond, VA 23219 7. Please note the following concerning the above job order: The attached H-2A job order has been accepted by U.S. DOL for Interstate Clearance 8. By: (ES Agency Representative) Jason Padgett Rural Services Manager 9. Receiving State Office: ("X" one) Accepted (If accepted, list local offices extended to) Comments:	1. To: Puerto Rico	2. Job Order Number:	3. Date of acceptance
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	10. Dy. Es Agency Representative	Telephone Number:	Date Signed:





U.S. Department Labor Employment and Training Administration

OMB Control No. 1205-0134 Expiration Date: November 30, 2012

Agricultural and Food Processing Clearance Order ETA Form 790
Pedido de Empleados para Agricultura y Procesamiento de Alimentos

Employer's Name and Address (Number, Street, City, State, and Zip Code)/ Nombre y Dirección del Empleador (Numero, Calle, Ciudad, Estado y Código	Nos. 4 - 8 for STATE Numeros 4 a 8 para US	
Postal)	4. Industry Code/Código Industrial	5. Job Order No. /Num.
WESTWOOD FARM INC	111331	de Orden de Empleo
83 BUNGALOW LANE BERRYVILLE VA 22611	E16171819203	296472
	6. Occarbitional Titteend Code Titulo O	Ocupacional y Código 5-2092.02 FARMWOLKER, FLAI
	7. Glearance Order Issue Date / Fecha	
	RCD RURAL SERVICES	6-18-12
	8. Jos Orger Expiration Date Land de	e Expiración 9.16.12
	9. Anticipated Period of Employment / F Empleo	Periodo Anticipado de
Telephone number/Teléfono: 540-955-5086 Fax:	From/ Deade: 8/20/12 To/Hass	ts: 10/13/12
2. Location and Direction to Work Site/ Upicacion y Direction at Lugar de Trabajo	10. No. of Workers Requested / Num. d	e Trabajadores Solicitados
83 BUNGALOW LANE BERRYVILLE VA 22611	10	
	11. Anticipated Hours of Work per Weel Trabajo por Semana. Total: 44	k/Horas Anticipadas de
	Tuesday / Martes 8 Wednesd	/ Lunes _ 8 day / Mièrcoles _ 8 Viernes _ 8
	12. Collect Calls Accepted from/ Acepted:	ten Llamadas por Cobrar
(If additional space is needed, use separate sheet of paper/ Si necesitas más espacio, utilicas otra hoja de papel)		i□ no ☑ i□ no ☑
3. Location and Description of Housing / Dirección y Descripción de la Vivienda		
83 BUNGALOW LANE BERRYVILLE VA 22811		
MOBILE UNITS WITH A CAPACITY ON 12		
The housing is Barracks , single rooms , number of rooms , capacity ,		
wood frame , block or concrete , floors are concrete , wood .		
(If additional space is needed, use separate sheet of paper / Si necesitas más espacio, utilices otra hoja de papel)		and the second s

3. Board Arrangements / Arregio de Alojamiento							
Housing will be clean and meet the applicable Federal and State Housing Standards. Workers will be responsible for maintaining housing in a neat, clean manner. Reasonable repair cost of damage, other than that caused by normal wear and tear, may be billed to workers found to have been responsible for							
lamage to housing or furnishing. Housing and utilities are provided at no cost to workers who are inable to return to their place of residence the same day.							
No tenancy in employer-provided housing is created by this arrangement. The employer retains cossession and control of the housing premises at all times. Workers provided housing under the terms of this Clearance Order shall vacate the housing promptly upon termination of employment with							
							the employer. Employer will not provide 3 meal per day . Employer will provide 3 meals per day and
charge a day. If meals are not provided then the employer will furnish free cooking facilities so workers may prepare their own meals. Free transportation will be provided once a week to							
grocery store so workers can purchase their groceries.							
14. Referral Instructions / Instrucciones sobre cómo Referir Candidatos							
The applicant holding office to refer all able, willing and qualified applicants through the order holding office or the applicants can contact the farm directly at the phone number listed in item 1 on this page, during normal business hours, 9 am to 4 pm Monday to Friday, to request an interview. Also applicants may chose to mail applications to the address listed in item 1 on this page.							
15 Job Specifications / Expecificaciones del Trabaio							

Pick fruit from trees and, when necessary. The average length of a ladder runs from 16 ft to 24 ft the average weight 50 lbs. Fruit picked must be placed in picking bags or buckets, which attached to the body with a shoulder harness and weigh between 30-50 lbs when full. When filled with fruit the bags or buckets are to be emptied into field bins by an opening at the bottom of the bag or bucket. Workers may be required to pick the entire tree or to spot pick the fruit. Primary duty will be to harvest fruit. When using ladders the worker will place the ladder firmly against or within the tree in a secure position so as not to break limbs or knock off fruit and to prevent slipping and falling. Each worker's trees will be picked according to instructions given each day by the employer or supervisor. Additional harvest related duties may be offered including related tasks involving the operation of tractors or other

harvest related duties. One month experience in duties listed required.

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		\$		Federal Tax Impuestos Federales	V		₽
	\$	\$		State Tax Impuestos Estatales	V		
A. C.	\$	\$		Meals / Comidas		V	
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If you have por cada as 19. Unemploym 20. Workers' co 21. Are tools pro	etividad? Tent Insurance provided/ Impensation insurance provided at no charge to the vivided at no charge to th	? Seguro de Desempleo? provided? Se le provee se vorkers? / Se les proveen he		idemnización el trab	ajador:		Yes/Si☑ No ☐ Yes/Si☑ No ☐

23. List any strike, work stoppage, slowdown, or interruption of operation by the employees at the place where the workers will be employed. (If there are no such incidents, enter "None") / Enumere toda hualga, paro o interrupción de operaciones de trabajo por parte de los empleados en el lugar de empleo. (Si no hay incidents de este tipo, indique "Ninguno")

none

24. Address of Order Holding Office (include Telephone number)/Dirección de 25. Name of Local Office Representative (include direct dial telephone la Oficina donde se radico la oferta (incluya el número de teléfono)

VA EMPLOYMENT COMMISSION 100 PREMIER PLACE **WINCHESTER VA 22602**

number) / Nombre del Representante de la Oficina Local (Incluya el número de teléfono de su linea directa)

WADE WILLIAMS 540-722-3415

Date:)/

26. Employer's Certification: This job order describes the actual terms and conditions of the employment being offered by me and contains all the material terms and conditions of the job.

Certificación del Empleador. Esta orden de trabajo describe los términos y condiciones del empleo que se le ofrece, y contiene todos los términos y

condiciones materiales ofrecidos.

Employer's Signature & Title/Firmary Titulo del Empleador

READ CAREFULLY, In view of the statutorily established basic function of the Employment Service as a no-fee labor exchange, that is, as a forum for bringing together employers and job seekers, neither the ETA nor the State agencies are guarantors of the accuracy or truthfulness of information contained on job orders submitted by employers. Nor does any job order accepted or recruited upon by the One-Stop Career Center constitute a contractual job offer to which the One-Stop Career Center, ETA or a State agency is in any way a party.

LEA CON CUIDADO. En vista de la función básica del Servicio de Empleo establecida por ley, como una entidad de intercambio laboral sin comisiones, es decir, como un foro para reunir a los empleadores y los solicitantes de empleo, ni ETA ni las agencias del estado pueden garantizar la exactitud o veracidad de la información contenida en las órdenes de trabajo sometidas por los empleadores. Ni ninguna orden de trabajo aceptado o contratado en el Centro de Carreras (One-Stop Career Center) constituyen una oferta de trabajo contractuales a las que el One-Stop Career Center, ETA o un organismo estatal es de ninguna manera una de las partes.

Public Burden Statement

The public reporting burden for responding to ETA Form 790, which is required to obtain or retain benefits (44 USC 3501), is estimated to be approximately 60 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and reviewing the collection. The public need not respond to this collection of information unless it displays a currently valid OMB Control Number. This is public information and there is no expectation of confidentiality. Send comments regarding this burden estimate or any other aspect of this collection, including suggestions for reducing this burden, to the U.S. Department of Labor, Migrant and Seasonal Farmworker Program, Room \$4209, 200 Constitution Avenue, NW, Washington, DC 20210.

ETA Form 790 (Revised Oct, 2010) Previous versions not usable

- 6) If piece rates are used, the units produced daily.
- 7) Beginning and ending dates of pay period
- 8) Employers name, address, and FEIN
- Production Standards: After completion of training or break-in period, employer 7.

 $\frac{X}{|\mathcal{S}|^{2^{0/2}}}$ For Apple harvesting 10 bu, per hour with no more than 10% bruising. For work which does not have an established minimum productivity amount, and which is measurable, the level of production shall be not less than 75% of the average output of the employers experienced workers.

- Employer may terminate the employment of any worker for any lawful, non-8. discriminatory reason, including, but not limited to: (a) insubordination; (b) commits acts of misconduct; or (c) fails, after completing any training period, to reach production or quality standards when applicable. In the event of termination for medical reasons occurring after arrival on the job, or occurring as a result of employment, or in the event of termination resulting from an Act of God, the employer will provide or pay reasonable costs of return transportation and subsistence to the place of recruitment and reimburse worker for reasonable costs of transportation and subsistence incurred by the worker to get to the place of employment. "Reasonable cost" means the cost of the most economical, common-carrier transportation for the locations involved. Subsistence means the cost as established by Department of Labor regulation.
- Worker Agreement: A copy of the contract or this Job Clearance Order will be provided to the worker no later than when the worker applies for their work visa, or, with respect to U.S. workers in corresponding employment, the date such workers commences the corresponding employment.
- Work Authorization Required. All workers hired under this order will be required to provide the documentation needed to complete Form I-9. The acceptable forms of documentation of identity and work authorization are specified on Form I-9.
- 11. Tools and Equipment: The employer will furnish without cost, all tools, supplies or equipment required in the performance of work.
- Transportation to Work: For workers who are provided housing, transportation at no cost to the worker will be provided between the housing and the work site. The transportation provided will be in accordance with applicable laws and regulations.
- 13. Employees who are H2A workers are notified that they are required to leave the U. S. at the end of the period of certified employment, or if separated from employment early. unless the H2A worker is being sponsored by another employer, for a future H2A contract.

continued interest in the job no sooner than 9 working days and no less than 5 working days before the date of need the migrant worker will be disqualified from the above mentioned assurance.

f) No tenancy in employer-provided housing is created by this arrangement. The employer retains possession and control of the housing premises at all times. Workers provided housing under the terms of this Clearance Order shall vacate the housing promptly upon termination of employment with the employer.

Item 20- Workers Compensation:

Bre	he t	employer	assures that	Policy	#WCFOC provide	57005007	j issued insurance	by for
injuries a	rising	out of and	in the course o	of employm	ent. The emplo	yer further gua	rantees tha	it if
the policy	/ ends	during this	contract period	the employ	yer will obtain o	continued cove	rage withou	ut a
lapse in c	overa	ge.	_	- ,			-	

B. OTHER CLARIFICATIONS AND ASSURANCES

- 1. The employer agrees to abide, as applicable, by the regulations at 20 C.F.R. § 655.122, 20 C.F.R. § 655.135, and 20 C.F.R. § 653.501.
- 4. Outreach Workers: In accordance with 20 C.F.R. § 653.501, outreach workers shall have reasonable access to the worker in the conduct of outreach activities pursuant to 20 CFR 653.107.
 - 5. Training: The employer will provide 3 days of training for worker to reach quality or production standards, if applicable.
- 6. Wage Statement: The employer will furnish each worker on or before each pay day written statements which, comply with the regulations at 20 CFR 655.122(k).
 - 1) The worker's total earnings for the pay period.
 - 2) The worker's hourly rate and/or piece rate of pay.
 - 3) The hours of employment which have been offered to the worker.
 - 4) The hours actually worked by the worker.
 - 5) An itemization of all deductions made from the worker's wages.

FORM ETA 790 AND ETA 9142 ATTACHMENTS

JOB ORDER TO BE PLACED IN CONNECTION WITH A FUTURE APPLICATION FOR TEMPORARY CERTIFICATION FOR H-2A WORKERS.

The employer assures it will comply with all applicable employment laws, whether federal, state, or local.

A. CLARIFICATIONS OF ITEMS ON FORM ETA 790 AND 9142

Employer requests that its order be granted conditional entry into the Interstate and Intrastate Clearance System. Employer assures that the worker housing will meet the applicable federal standards not later than 30 days in advance, and requests an inspection, of its date of need reflected in the attached ETA 9142 and ETA 790.

Item 16.	- Wage	Rates.	Special	Pay	Information	and	Deductions
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a)	The rate is based on: \$9.70 AEWR	Prevailing Wage
	Federal or State minimum,	collective bargaining wage.

If these rates change during the term of employment, employer will pay the highest rate effective at the date that the work is performed, even if such highest rate is less than stated here.

- b) If piece rate earnings for total hours of work at a piece rate during a pay period do not result in average hourly earnings equal to the guaranteed minimum hourly rate, the worker will receive make up compensation so that the average hourly rate is equal to the guaranteed minimum rate.
- c) If so requested by the worker in writing, the employer will transfer certain amounts of worker's earnings in a manner consistent with the worker's instructions.
- d) The employer guarantees to offer employment for a minimum of 3/4 of the workdays of the total specified period during which the work contract and all extensions thereof are in effect, beginning with the first workday after worker's arrival at the place of employment and ending on the expiration date specified in the work contract of extensions thereof. In Act of God terminations, the 3/4 guarantee period ends on the date of termination. Worker is not required to work more than 8 hours per day except when otherwise stated in the job order or on the worker's Sabbath or Federal holidays to meet the guarantee period. This offer will be automatically withdrawn if the worker abandons his or her employment or his or her employment is terminated for cause.
- e) The employer will provide workers referred through the interstate clearance system 44 hours of work for the week beginning with the anticipated date of need, unless employer has amended the date of need by notifying the local office no later than 10 days before the date of need. If employer fails to notify the order holding office, then employer shall pay an eligible worker referred through the clearance system \$426.80 for the first week starting with the anticipated date of need. If the worker referred fails to notify the order holding office of

Pursuant to regulations at 20 CFR 655.122(0), if, before the expiration date specified in the work contract, the services of the worker are no longer required for reasons beyond the control of the employer due to fire, weather, or other Act of God that makes the fulfillment of the contract impossible, the employer may terminate the work contract. Whether such an event constitutes a contract impossibility will be determined by the CO. In the event of such termination of a contract, the employer must fulfill a three-fourths guarantee for the time that has elapsed from the start of the work contract to the time of its termination, as described in paragraph (i)(l) of this section. The employer must make efforts to transfer the worker to other comparable employment acceptable to the worker, consistent with existing immigration law, as applicable. If such transfer is not affected, the employer must: (1) Return the worker, at the employers expense, to the place from which the worker (disregarding intervening employment) came to work for the employer, or transport the worker to the workers next certified H 2A employer, whichever the worker prefers; (2) Reimburse the worker the full amount of any deductions made from the workers pay by the employer for transportation and subsistence expenses to the place of employment; and (3) Pay the worker for any costs incurred by the worker for transportation and daily subsistence to that employers place of employment. Daily subsistence must be computed as set forth in paragraph (h) of this section. The amount of the transportation payment must not be less (and is not required to be more) than the most economical and reasonable common carrier transportation charges for the distances involved.

The amounts the employer will pay for subsistence expenses shall be a minimum of \$11.13 per day and a maximum of \$46.00 per day for workers with documentation of actual expenses.

SUMMARY OF EMPLOYMENT CONDITIONS SPECIFIED ON JOB ORDER

1. ORDER NUMBER: 296472

2. NAME OF EMPLOYER: Westwood Farm Inc.

3. LOCATION OF EMPLOYER AND DIRECTIONS:

83 Bungalow Lane, South of Rt 340 in Berryville, Va

PERIOD OF EMPLOYMENT

FROM: 8/20/2012 **TO**: <u>10/13/2012</u>

5. WORK SCHEDULE: 8 hours per day, 5 days per week

Plus 4 hours on Saturday

6. PAY: HOURLY WAGE: \$9.70

PIECE RATE: \$0.67

7. WORK TASKS TO BE PERFORMED:

Harvest fruit from trees using 24 ft. ladders. All Fruit must be picked and handled carefully to avoid bruising for fresh market. Workers may be required to selectively pick according to size and state of maturity of fruit, as instructed by employer or supervisor. Alternate tasks and pay during first week in case of crop delay.

8. TRANSPORTATION PROVIDED:

FROM LABOR CAMP TO WORK SITE: Yes

AND RETURN: Yes

9. HOUSING CAN ACCOMMODATE

PERSONS

INDIVIDUAL

12

FAMILY

10. MEALS: PROVIDED: No

> IF YES: COST PER DAY (See item 13 on Job Order)

WORKERS MAY DO THEIR OWN COOKING: Yes

11. DEDUCTIONS:

TYPE	AMOUNT
SOCIAL SECURITY	X
INCOME TAX	X
TRANSPORTATION	None
TOOLS & EQUIPMENT	None
CREWLEADER CHARGES	None

12. NOTES TO WORKERS:

A copy of the full job order is available for inspection in this office. The employer has guarenteed your first week's wages unless he/she notifies this job service of a later starting

date by:

In order for you to be eligible for this guarentee, you must contact the Job Service at:

SUMARIO DE LAS CONDICIONES DE EMPLEO QUE SON EXPECIFICADAS EN LA ORDEN DE TRABAJO

1. NUMERO DE LA ORDER: 296472

2. NOMBRE DEL EMPLEADOR: Westwood Farm Inc

3. LUGAR Y DIRECCION DEL EMPLEADOR:

83 Bungalow Lane, Sur en Rt 340 of Berryville, Va

4. PERIODO DE EMPLEO:

DEL: 8/20/2012 AL: 10/13/2012

5. HORARIO DE TRABAJO: 8 horas por dia, 5 dias a la semana.

Más 4 horas el sábado

PAGO: SUELDO POR HORA: \$9.70 PAGA POR UNIDAD: \$0.67

7. LABORES A DESEMPENAR IN EL TRABAJO:

Piscar fruta de arboles trabajando en escaleras y llevando cubo. Piscar toda o seleccionar siguiendo instructiones del empleador. Labores alternativas y pago por la primera semana en caso do demora en la cosecha. Vea Numero 12 en el Orden.

8. TRANSPORTACION PROVISTA:

DESDE EL ENCAMPAMENTO HASTA EL LUGAR: SI DE TRABAJO Y DE VUELTA: Si

9. VIVIENDA DESPONIBLE PARA

PERSONAS

INDIVIDUOS 12

FAMILIAS

10. COMIDAS: PROVISTAS: No

SI SON PROVISTAS, EL COSTO POR DIA SERA

(Vea Num. 13 en la Orden de Trabajo)

LOS TRABAJADORES TIENEN QUE CONCINAR SUS COMIDAS: Si

11. DEDUCCIONES:

CLASE	CANTIDAD
SEGURO SOCIAL	X
IMPUESTOS SOBRE INGRESOS	×
TRANSPORTACION	Nada
HERRAMIENTAS Y MAQUINARIA	
SUMA COBRADA POR EL CONTRATIST	A Nada
DE TRABAJADORES AGRICOLAS	Nada

12. NOTAS PARA EL TRABAJADOR:

La copia de la orden completa esta disponible en la oficina para su inspection. El empleador da garantizado el pago por su primera semana de empleo a menos que este notifique al Servicio de Empleos que la fecha de comenzar a trabajar sera atrasada, y que tal notification sen a mas tardar el: 8/8/2011

Para que Ud. Pueda tener derecho a esta garantia de pago, tendra que ponerse en contacto con la Oficina del Servicio de Empleados en el:

100 Premier Place Winchester, VA 22602 540 - 722 - 3415

During the period of:

8/9/2011 to 8/14/2011

Any Job Service office will assist you in doing this.

100 Premier Place Winchester, VA 22602 540 - 722 - 3415

Durante el periodo el <u>8/9/2011</u> al 8/14/2011

Cualquier Oficina del Servicio de Empleados le asistira en hacerlo.

VIRGINIA EMPLOYMENT COMMISSION COMMUNITY SERVICES FOR FREDERICK & CLARK COUNTY

HEALTHCARE SERVICES SERVICIOS MÉDICOS

Free Medical Clinic REFUGIO Y ALII
301 North Cameron Street, Suite 100 TEMPORARIOS

Winchester, VA

Phone: 540-536-1680

Winchester Medical Center 1840 Amherst Street Winchester, VA

Phone: 540-722-8000

EDUCATION SERVICES SERVICIOS EDUCACION

Frederick County Pubic Schools 1415 Amherst Street Winchester VA

Phone: 540-662-3888

Clark County Public Schools 309 W. Main Street Berryville, VA

Phone: 540-955-6102

Winchester City Public Schools 12 N. Washington Street Winchester, VA 22601 Phone 540-667-4253

Literacy Volunteers 301 N. Cameron Street Winchester, VA Phone 540-536-1648

THESE AGENCIES MAY PROVIDE TEMPORARY HOUSING AND MEALS REFUGIO Y ALIMENTO TEMPORARIOS

The Salvation Army 300 Fort Collier Rd Winchester, VA Phone: 540-667-4777

Winchester Rescue Mission 301 N. Cameron Street Winchester, VA Phone: 540-667-8460

C-CAP 415 N. Cameron Street Winchester, VA Phone 540-662-4318

MAY PROVIDE LEGAL ASSISTANCE TO MIGRANT WORKERS AYUDA LEGAL

The VA Justice Center for Farm and Immigrant Workers Charlottesville, VA 22902 Phone: 800-763-7323

SOCIAL SERVICES SERVICIOS SOCIALES

Frederick County Social Services 107 N. Kent Street, 3rd Floor Winchester, VA Phone: 540-665-5688

THESE AGENCIES ALSO PROVIDE ASSISTANCE TO WORKERS MÁS AGENCIAS DE AYUDA

United States Dept of Justice Immigration & Naturalization 1-800-375-5283

Virginia Dept of Labor Wage & Hour Division 13 South Thirteenth Street Richmond, VA Phone: 804-371-2327

Social Services Administration 12 Ricketts Drive Winchester, VA Phone: 540-667-1511